REMARKS

Claims 1-35, 37, 39-43, 45-48, 51-62, and 64-74 are pending.

Claims 1-35, 37, 39-43, 45-48, 51-62, and 64-74 stand rejected.

Claim Rejections

The Examiner on page 24 of the September 1, 2006 Office Action (referred to herein as the "Office Action") states that, "Applicants arguments against the rejections under 103 all depend on one basic point, that *Smith*, the primary reference relied upon, does not teach a separate and distinct "filter service module" and "configuration service module". Applicants respectfully disagree, again. As noted in Applicants' July 7, 2006 Response, "Applicants position that the Claims distinguish over *Smith* <u>does not</u> have to be based upon making known parts in *Smith* separable." Applicants' July 7, 2006 Response, p. 18. Applicants respectfully submit that, "The Claims distinguish over *Smith* by recited limitations not taught or suggested by *Smith*, whether in a combined function or a separate function." *Id.*

Applicants previously pointed out that, "In at least one embodiment, the present invention expands the ability of a user beyond *Smith* by allowing the user to successfully select a product by providing the user multiple, distinct ways of identifying product selections." *Id.*

Applicants respectfully submit again that locating vehicles in *Smith* clearly depends on the user always providing the same type of information, i.e. "desired vehicle configuration and options". *Smith*, col. 10, lines 17-18. The present invention contemplates the user having the ability to provide two different types of information, i.e. "product related data represent[ing] one or more product attributes" or "product related data represent[ing] the product identifier." <u>The processes and results differ depending upon the type of information provided by the user. Applicants submit that this is neither taught nor suggested by *Smith*.</u>

The Examiner's response is that "while *Smith* does not disclose [entering either one or more product attributes or else the product identifier] as separate and distinct modes of operating *Smith*'s system, it would be quite possible to shift emphasis within *Smith*'s disclosed system, so as to meet the limitation of either form of Applicant's claimed invention." Office Action, p. 25. Applicants respectfully submit that whether "it would be quite possible to shift emphasis within

Smith's disclosed system" depends upon what *Smith* actually teaches or suggests. Applicants demonstrate in remarks below that *Smith* neither teaches nor suggests performing separate actions and obtaining separate results depending upon, for example, what the "product related data provided by the user" represents. Claim 70.

The Examiner further states that, "*Smith* does not draw a sharp distinction between these different modes, apparently leaving it to the customer's discretion to enter whatever information the customer considers important, but that does not make either mode new and distinct over *Smith*." Office Action, p. 25. Applicants respectfully submit that "*Smith* does not draw a sharp distinction between these different modes" because *Smith* neither teaches nor suggests these two different modes. (quoting from the Office Action, p. 25.) The Examiner states that "As per column 8 of *Smith*, a consumer may specify leather seats, a V10 engine, and other attributes, leading to a vehicle which matches, or near-matches, the entered criteria; **or** the consumer may identify a vehicle as a Ford Excursion, with other identifying information, and have a matching vehicle be recommended." *Id.*. (emphasis added). However, Applicants respectfully submit that *Smith* does not teach or suggest identifying a set of attributes OR identifying a vehicle with other identifying information and having a match recommended. Applicants respectfully submit that *Smith* actually teaches identifying a set of attributes AND identifying a vehicle with other identifying information and having a match recommended. "AND" versus "OR" is significant because the present invention contemplates the user having the ability to provide two different types of information, and the processes and results differ depending upon the type of information provided.

Applicants respectfully submit that *Smith* teaches a mode of locating a vehicle in inventory. *Smith* specifically states that, "After the on-line consumer selects the vehicle make and model, configurations **and** options, he/she may submit the vehicle selection and perform a search of inventory to determine if one is currently available. *Smith*, col. 8, lines 43-46. Thus, the system allows the consumer to operate in one mode, i.e. identifying the vehicle **and** providing attribute information, **not** 'identifying' or 'providing' as suggested by the Examiner. Referring to the Ford Excursion example, rather than selecting a Ford Excursion, i.e. make and model, **or** selecting attributes such as leather seats, a V10 engine, etc., *Smith* specifically states that, "a consumer may desire a white Ford Excursion **with** cream-colored leather seats, a V10 engine, premium aluminum wheels, and other options." *Smith*, col. 8, lines 31-34. Thus, *Smith*

17 of 25

teaches the consumer selects the Ford Excursion **and** the attributes of cream-colored leather seats, a V10 engine, premium aluminum wheels, and other options. Accordingly, Applicants respectfully request the Examiner to reconsider the Examiner's characterization of the teachings of *Smith*. Additionally, as set forth in more detail below, Applicants respectfully submit that *Smith*, alone or in combination with the other cited references, neither teaches nor suggests the present invention.

(1) Claim Rejections - 35 U.S.C. § 103

Claims 1-13, 15-23 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,901,430 issued to Smith (hereinafter "*Smith*"). Applicants respectfully traverse the rejection.

Smith relates to "An online system of locating consumer product having specific configuration in an enterprise production pipeline and inventory." *Smith*, Abstract.

Smith relevantly teaches <u>only</u> that "the consumer accesses the system via portal web pages, and enters desired vehicle configuration and options, as shown in blocks 432 and 434." *Smith*, col. 10, lines 16-19. "Dealership inventory and in-process vehicles are searched for a match or near match, as shown in block 436." *Id.*, lines 19-20. In col. 8, lines 24-43, *Smith* teaches that "[i]nventory database 322 contains data related to the availability of an in-process or at-dealership product that may match the specifications dictated by the consumer."

<u>In at least one embodiment, the present invention of Claim 1 expands the ability of a user beyond *Smith* by allowing the user to successfully select a product by providing the user multiple, distinct ways of identifying product selections.</u>

In contrast to *Smith*, Claim 1 includes modules for providing distinct processes to "provide one or more product selections to a user." The particular module used depends on whether "the product related data [received from the user] represents the one or more product attributes" or "the product related data represents the product identifier". Claim 1.

One module is a "filter service module" … "to (i) receive one or more product attributes and (ii) identify one or more of the product configurations stored in the database that each include the one or more product attributes, if the product related data represents the one or more

product attributes". *Id.* The other module is "a configuration service module" "to (i) receive a product identifier and to (ii) identify each combination of attributes stored in the database that corresponds to the product identifier, if the product related data represents the product identifier." *Id.*

As noted above, *Smith* specifically states that, "After the on-line consumer selects the vehicle make and model, configurations **and** options, he/she may submit the vehicle selection and perform a search of inventory to determine if one is currently available. *Smith*, col. 8, lines 43-46. Applicants respectfully submit that *Smith* does not teach a distinct process to "identify each combination of attributes stored in the database that corresponds to the product identifier." The Present Application provides an example of an embodiment of this distinct process, which illustrates the differences. The Present Application states that "[c]onfiguration list 2090 can include, for example, information regarding allowable combinations of features for a given product."

Thus, in contrast to the teachings and suggestions of *Smith*, Claim 1 includes a presentation module that is able to provide two distinct types of information to the user depending on whether "the product related data [received from the user] represents the one or more product attributes" or "the product related data represents the product identifier". Namely, Claim 1 includes a presentation module to:

> (i) **provide each identified product configuration as a product selection** to the user via the communication link if the product related data represents the one or more product attributes **and**

> (ii) **provide one or more product selections to the user** via the communication link, **wherein**, if the product related data represents the product identifier, **each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier**.

Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 1 and withdrawal of dependent Claims 4-6, 13, 15-19 and 73 for at least the same reasons as Claim 1.

(III) Claim Rejection - 35 U.S.C. § 103

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 1 and further in view of Neuborne et al. "Branding on the Net: The Old Rules Don't Apply. So How Do You Hustle Those Wares Online?"

Applicants respectfully request withdrawal of the rejection of dependent Claims 2 and 3 for at least the same reasons as Claim 1.

(IV) Claim Rejections - 35 U.S.C. § 103

Claims 7-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 6 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 7-12 for at least the same reasons as Claim 1.

(V) Claim Rejections - 35 U.S.C. § 103

Claims 20-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 19 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 19 and 20-23 for at least the same reasons as Claim 1

(VI) Claim Rejections - 35 U.S.C. § 103

Claims 24-35, 37, 39-48, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and in view of official notice.

In contrast to the teachings and suggestions or *Smith*, Claim 24 also recites two distinct processes that (1) "receive one or more product attributes and **identify one or more product configurations** stored in the database that each include the one or more product attributes, <u>if the product related data represents the one or more product attributes</u>" and (2) "receive a product identifier and **identify each combination of attributes stored in the database that corresponds to the product identifier**, <u>if the product related data represents the product identifier</u>."

Furthermore, in contrast to the teachings and suggestions of *Smith*, Claim 24 further recites instructions to (1) "**provide each identified product configuration as a product selection** to the user via the communication link <u>if the product related data represents the one or more product attributes</u>" and (2) "provide one or more product selections to the user …, wherein, <u>if the product related data represents the product identifier,</u> **each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier**.

Applicants respectfully request withdrawal of the rejection of Claim 24 and withdrawal of the rejection of dependent Claims 25-25, 37, 39-48, and 74 for at least similar reasons as Claim 1.

<center>(VII) Claim Rejections - 35 U.S.C. § 103</center>

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and Neuborne as applied to claim 24, and further in view of official notice.

Applicants respectfully request withdrawal of the rejection of dependent Claims 28-29 for at least the same reasons as Claim 24.

<center>(VIII) Claim Rejections - 35 U.S.C. § 103</center>

Claims 39-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith as applied to claim 24, and further in view of official notice.

Applicants respectfully request withdrawal of the rejection of dependent Claims 28-29 for at least the same reasons as Claim 24.

<center>(IX) Claim Rejections - 35 U.S.C. § 103</center>

Claims 30-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith Neuborne, and official notice as applied to claim 29, and further in view of Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 30-35 for at least the same reasons as Claim 29.

Claims 45-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Neuborne and official notice as applied to claim 29 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 45-48 for at least the same reasons as Claim 29.

(XI) Claim Rejections - 35 U.S.C. § 103

Claims 51-53, 57-59, and 64-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith.

In contrast to the teachings and suggestions of *Smith*, Claim 51 also recites two distinct processes that depend on whether the "product related data [received from a user] represents the one or more product attributes" or "the product related data represents the product identifier." Claim 51.

In contrast to the teachings and suggestions of *Smith*, Claim 51 recites (1) "receiving one or more product attributes and identifying one or more product configurations stored in a database that each include the one or more product attributes, **if the product related data represents the one or more product attributes**" and (2) "identifying each combination of attributes stored in the database that corresponds to the product identifier, **if the product related data represents the product identifier.**"

Furthermore, in contrast to the teachings and suggestions of *Smith*, Claim 51 further recites (1) "providing each identified product configuration as a product selection to the user via the communication link **if the product related data represents the one or more product attributes**" and (2) "providing one or more product selections to the user via the communication link, wherein, **if the product related data represents the product identifier**, each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier."

Accordingly, since *Smith* teaches and suggests <u>only</u> one (1) process of identifying a product, as demonstrated with regard to Claim 1, *Smith* cannot teach or suggest the two (2) distinct processes of Claim 51.

Applicants respectfully request withdrawal of the rejection of Claim 51 and withdrawal of the rejection of dependent Claims 52, 53, 57-59, and 64-69 for at least similar reasons as Claim 51.

(XII) Claim Rejections - 35 U.S.C. § 103

Claims 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 51 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 54-56 for at least the same reasons as Claim 51.

(XIII) Claim Rejections - 35 U.S.C. § 103

Claims 60 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 57 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 60 and 61 for at least the same reasons as Claim 51.

(XIV) Claim Rejection - 35 U.S.C. § 103

Claim 62 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 51 and further in view of Neuborne.

Applicants respectfully request withdrawal of the rejection of dependent Claim 62 for at least the same reasons as Claim 51.

(XV) Claim Rejections - 35 U.S.C. § 103

Claims 70 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of official notice.

Applicants respectfully submit that Claims 70-74 are means plus function claims in accordance with 35 U.S.C. § 112, para. 6.

In contrast to the teachings and suggestions of *Smith*, Claim 70 also recites "receiving one or more product attributes and identifying one or more pre-generated product configurations stored in a database that each include the one or more product attributes, **if the product related data represents the one or more product attributes**" **and** "**receiving a product identifier and identifying each combination of attributes stored in the database that corresponds to the product identifier**, if the product related data represents the product identifier, if the product related data represents the product identifier."

Additionally, in contrast to the teachings and suggestions of *Smith*, Claim 70 includes "means for providing each identified pre-generated product configuration as a product selection to the user via the communication link **if the product related data represents the one or more product attributes**" and "means for providing one or more product selections to the user via the communication link, wherein, **if the product related data represents the product identifier**, each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier."

Accordingly, since *Smith* teaches and suggests only one (1) process of identifying a product, as demonstrated with regard to Claim 1, *Smith* cannot teach or suggest the two (2) distinct processes of Claim 70.

Applicants respectfully request withdrawal of the rejection of Claim 70 and withdrawal of the rejection of dependent Claim 72 for at least similar reasons as Claim 70.

(XVI) Claim Rejection - 35 U.S.C. § 103

Claim 71 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 70 and further in view of Neuborne.

Applicants respectfully request withdrawal of the rejection of dependent Claim 71 for at least the same reasons as Claim 70.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

ELECTRONICALLY FILED

Respectfully submitted,

/Kent B. Chambers/

Kent B. Chambers
Attorney for Applicant(s)
Reg. No. 38,839